

**REMARKS**

Claims 1, 3-5, 7-11, 13-15 and 17-21 are pending in this application. Claims 1 and 11 are independent claims. By this Amendment, claims 1 and 11 are amended. Support for the amendments may be found at least at page 3, lines 4-17 of the specification. Thus, no new matter is added that would require additional search and/or consideration.

**Premature Final Office Action**

In the Amendment filed on October 1, 2009, claims 9 and 19 were amended only to correct their dependency. In the present Office Action claim 9 and 19 are rejected on new grounds (i.e., over a new combination of references not necessitated by the amendment). Thus, the final rejection is premature in that it includes a rejection on newly cited art. As such the finality of the Office Action should be withdrawn.

**Claim Rejections under 35 U.S.C. §112**

Claims 1 and 11 are rejected under 35 USC §112, first paragraph, for allegedly failing to be enabled by the specification. The rejection is respectfully traversed.

Specifically, it is alleged that the specification fails to disclose or suggest “a switch within the protective device for switching off the electronic switching device in the event of an overload, the switch being connected to the first means in parallel.” In an effort to expedite prosecution, the feature is deleted from the pending claims. Thus, withdrawal of the rejection is requested.

**Claim Rejections under 35 U.S.C. §103**

Claims 1 and 11 are rejected under 35 USC §103(a) as being unpatentable over EP 0165864 to Delhomme in view of US Patent 5,127,085 to Becker et al. (Becker). The rejection is respectfully traversed.

Independent claims 1 and 11 are amended to recite that the electronic switching device includes a semiconductor and that the fuse of the second protective element is configured to protect the semiconductor against overload and start-up of the motor.

Delhomme relates to a clothes dryer motor and a protection circuit for the motor. In Delhomme, the alleged first protective element (circuit breakers 10, 16) and the alleged second

protective element (fuse 12) are located on the printed circuit board 26. However, as admitted in the Office Action, in Delhomme the alleged switching device 2, 3, 4 is not between the printed circuit board and the motor.

In an effort to overcome the admitted deficiencies of Delhomme, it is alleged that one of skill in the art would have modified the dryer motor of Delhomme according to the teachings of Becker. Becker relates to a ride-through protection circuit for a voltage source inverter of traction motors such as those used in electric vehicles or locomotives. However, there is no motivation or suggestion to redesign the dryer motor of Delhomme according to the teachings of Becker. For example, the motor of Delhomme (i.e., the rotor 1 and stator 2) does not require, nor is a need suggested for, a switching device between the alleged protective device 26 and the motor 1, 2. Moreover, such a redesign would serve no function and would also render the dryer motor useless for its intended purpose. Thus, modifying the dryer motor of Delhomme according to the teachings of Becker would not have been performed by one of skill in the art at least without the improper use of hindsight upon a reading of the pending claims.

Applicants also respectfully remind the Examiner that "[A] patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art." See *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. 398, 418 (2007).

Finally, even considering *arguendo* that the references are combinable, the combination of references fails to disclose or suggest that the fuse of the second protective element 12 is configured to protect the semiconductor against an overload and start-up of the motor.

As the combination of references fails to disclose or suggest all of the features recited in the rejected claims, withdrawal of the rejection is respectfully requested.

Claims 7 and 17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme. The rejection is respectfully traversed.

Claims 7 and 17 are allowable for their dependency on their respective base claim, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 5, 10, 15 and 20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of US Patent 6,853,289 to Scoggin. The rejection is respectfully traversed.

Claims 5, 10, 15 and 20 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 3, 4, 13, and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of US Patent 2,324,852 to Frank. The rejection is respectfully traversed.

Claims 3, 4, 13, and 14 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

Claims 8, 9, 18, 19 and 21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Delhomme in view of Becker, Frank and US Patent 5,223,681 to Bueher et al. (Bueher). The rejection is respectfully traversed.

Claims 8, 9, 18, 19 and 21 are allowable for their dependency on their respective base claims, as well as for the additional features recited therein. Therefore, withdrawal of the rejection is respectfully requested.

**CONCLUSION**

In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

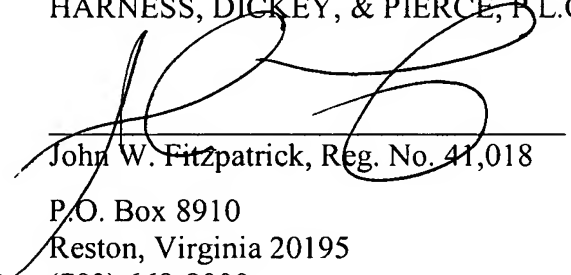
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick at the telephone number below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKY, & PIERCE, P.L.C.

By

  
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